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Axiom Foods, Inc. and Growing Naturals, LLC

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

AXIOM FOODS, INC., a California corporation.; GROWING NATURALS, LLC, an Arizona limited liability company,

**CASE NO.: CV15-870-PA (AJWx)**

**RESPONSE OF PLAINTIFFS TO  
ORDER TO SHOW CAUSE RE  
DISMISSAL FOR LACK OF  
PROSECUTION (DOCUMENT 19)**

### **Plaintiffs.**

vs.

ACERCHEM INTERNATIONAL,  
INC., an entity of unknown origin; and  
ACERCHEM UK LIMITED, a United  
Kingdom limited company,

### Defendants.

Plaintiffs Axiom Foods, Inc. and Growing Naturals, LLC ("Plaintiffs") hereby respond to the Court's Order to Show Cause Re Dismissal for Lack of Prosecution (Document No. 19).

1 Plaintiffs believe that Defendant Acerchem International, Inc. is a Chinese  
2 entity. Plaintiffs have not been able to confirm this fact but hope to obtain  
3 additional information as to the location of Acerchem International, Inc. through  
4 written discovery to be propounded on its affiliate, defendant Acerchem UK, as  
5 soon as authorized under FRCP 26.

6 Following an identification of Acerchem International, Inc.'s places of  
7 business, its agents and employees, Plaintiffs will attempt to effectuate service of  
8 process on this defendant. Based on the time that Plaintiffs anticipate needing to  
9 effectuate service, including the fact that discovery has not yet commenced, and  
10 the fact that it may be necessary to obtain assistance from Chinese legal  
11 authorities under the Hague Convention, Plaintiffs request additional time from  
12 the Court in order to serve Acerchem International.<sup>1</sup>

13  
14 DATED: June 22, 2015                   LAPIDUS & LAPIDUS  
15    A PROFESSIONAL LAW CORPORATION

16   /Daniel C. Lapidus  
17   DANIEL C. LAPIDUS  
18   Attorneys for Plaintiffs  
19   Axiom Foods, Inc. and Growing Naturals, LLC

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21 <sup>1</sup> Plaintiffs effectuated service of process upon Acerchem UK on March 30, 2015.  
22 See Document No. 10. Based on the date and method of service, the deadline for  
23 Acerchem UK to respond to the Complaint was April 20, 2015. FRCP Rule  
24 12(a). Prior to the deadline for Acerchem UK to respond, its counsel and counsel  
25 for Plaintiffs discussed the lawsuit and potential resolution of the lawsuit.  
26 Thereafter, an extension was granted to Acerchem UK to respond to the lawsuit.  
27 A Stipulation to Extend Time to Respond (Local Rule 8-3) was filed on May 4,  
28 2015 (Document No. 12), extending by thirty days Acerchem UK's deadline to  
respond. Based on the stipulation, Acerchem UK now has until May 20, 2015 to  
respond. Ultimately, the parties could not agree on a settlement and Acerchem  
UK responded to the Complaint.